

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

CHARRISSE MITCHELL,

Plaintiff(s) Docket No.

-against-

DOLLAR TREE STORES, INC.

Defendant(s)

NOTICE OF REMOVAL

AND NOW comes defendant DOLLAR TREE STORES, INC. by and through its attorneys, MINTZER, SAROWITZ, ZERIS LEDVA & MEYERS, LLP, and respectfully avers as follows:

1. The plaintiff has commenced a civil action against the defendant in the Supreme Court of the State of New York, County of Kings (“Supreme Court”) under Index No.: 509426/2020. Attached hereto and marked as **Exhibit “A”** is a true and correct copy of plaintiff’s complaint. Attached hereto and marked as **Exhibit “B”** is a true and correct copy of defendant Dollar Tree Stores, Inc.’s (“Dollar Tree”) answer. Attached hereto and marked as **Exhibit “C”** is a true and correct copy of former defendant Granville Payne Retail LLC.’s answer.

2. The complaint, being the first pleading in this case, was received by Dollar Tree on or around June 9, 2020.

3. On August 27, 2020 plaintiff served the CPLR § 3017(c) Discovery Response attached hereto as **Exhibit “D”** alleging an amount in controversy in excess of \$75,000.00.

4. DOLLAR TREE STORES, INC. is a Virginia corporation with its principal place of business in Virginia.

5. It is alleged in the complaint (Exhibit “A”) that plaintiff is a resident of the County of Kings, State of New York and is therefore a domiciliary of the State of New York.

6. It is alleged in the complaint (Exhibit “A”) that former defendant Granville Payne Retail LLC. (“Granville”) is a New York State limited liability company that is organized and existing under New York State law. Thus, completed diversity did not exist at the time the complaint was filed.

7. On November 3, 2020 plaintiff and former defendant Granville executed the stipulation attached hereto as **Exhibit “E.”** Under the terms of the stipulation, Granville was voluntarily dismissed from this action.

8. Diversity of citizenship now exists between plaintiff, a New York domiciliary, and Dollar Tree, a domiciliary of Virginia. Defendant Dollar Tree is therefore entitled to removal pursuant to 28 U.S.C. §1441.

WHEREFORE, defendant respectfully requests that the above captioned action, now pending in the Supreme Court of the State of New York, County of Kings, be removed therefrom to this Honorable Court.

Dated: New York, New York
November 10, 2020

Yours, etc.

/s/ Allen Kohn

ALLEN KOHN, ESQ. (AK1622)

MINTZER, SAROWITZ, ZERIS LEDVA & MEYERS, LLP

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